

1 HONORABLE RONALD B. LEIGHTON
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 MICHAEL AMPE and JEFFREY POWER,
12 individually and as class representatives,

13 Plaintiffs,

14 v.

15 CITY OF PUYALLUP, a municipality,

16 Defendant.

No. 07-5500RBL

ORDER APPROVING SETTLEMENT
AND AWARD OF ATTORNEYS'
FEES AND COSTS

17 The Plaintiff's' Unopposed Motion for Approval of Collective Action Settlement and
18 Award of Attorneys' Fees and Costs (the "Motion") has come before this Court. The Court
19 determines and orders as follows:
20

21 1. Counsel have advised the Court that the parties have agreed, subject to final
22 approval by this Court, to settle this action upon the terms and conditions set forth in the
23 Settlement Agreement (the "Settlement Agreement"), which has been filed with the Court.

24 2. The Court has reviewed the Settlement Agreement and is familiar with the
25 files, records, and proceedings to date in this matter.
26

1 3. It appears to the Court that the Settlement Agreement is fair, reasonable, and
2 adequate and that the Court should approve settlement of the case on this basis.

3 4. The request of plaintiffs' counsel for an award of attorneys' fees of \$56,250
4 and costs of \$8,750.55 to be paid from the common fund created by the settlement is
5 reasonable and should be approved. The fee award is 25% of the common fund and less than
6 half counsel's reasonable lodestar amount. The requested costs were reasonable and
7 necessary to litigation of this case.
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9 Based upon the foregoing, IT IS HEREBY ORDERED:

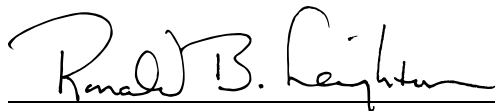
10 5. Approval of Settlement Agreement. The Settlement Agreement, including all
11 Exhibits thereto, is approved as fair, reasonable, and adequate. The Court finds that (a) the
12 Settlement Agreement resulted from extensive arm's length negotiations and only after
13 significant discovery and litigation in the case; (b) the amount offered in settlement appears
14 reasonable and adequate in light of the costs, delays, and risks inherent in continued
15 litigation; (c) the proposed plan for allocation of net settlement funds among individual
16 plaintiffs is fair and reasonable; and (d) the Settlement Agreement protects the rights of
17 individual plaintiffs by allowing them to proceed with litigation of their claims, unaffected by
18 the Settlement Agreement, should they decline to sign an individual release.
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20 6. Stay of Proceedings. All discovery and other proceedings in this action are
21 hereby stayed and suspended until further order of the Court, except such actions as may be
22 necessary to implement the Settlement Agreement and this Order. The trial date and all
23 filing deadlines relating thereto are hereby vacated.
24

25 7. Notice, Releases, and Dismissal of Claims. Within five (5) days of the date of
26 this Order, Class Counsel shall cause individual releases in the form appended as Exhibit 1 to

1 the Settlement Agreement to be mailed by United States mail to the last known valid
2 addresses of each plaintiff. Counsel shall accompany each release with a Notice in the form
3 appended as Exhibit 2 to the Declaration of Adam J. Berger filed in support of the Motion.
4 Plaintiffs shall have sixty (60) days from the date of mailing to return signed releases to Class
5 Counsel. Any plaintiff who returns a signed release shall be bound by this Order and by the
6 terms and conditions of the Settlement Agreement and shall have his claims dismissed with
7 prejudice by the Court pursuant to the terms of the Settlement Agreement. Any plaintiff who
8 does not return a signed release within the specified time period shall not be bound by the
9 Settlement Agreement, shall not be entitled to any compensation or benefits under the
10 Settlement Agreement, and shall be free to continue litigating his or her claims in this case.
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12 DATED this 19th day of June, 2009.

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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE

17 PRESENTED BY:

18 SCHROETER, GOLDMARK & BENDER

19 s/

20 ADAM J. BERGER, WSBA #20714
21 Counsel for Plaintiffs

22 APPROVED AS TO FORM AND FOR ENTRY;
23 NOTICE OF PRESENTATION WAIVED:

24 SEBRIS BUSTO JAMES

25 s/

26 M. EDWARD TAYLOR, WSBA #16864
Counsel for Defendant